

BOARD OF REGISTRATION IN PHARMACY
MEETING MINUTES

July 11, 2011
239 Causeway Street
Boston, Massachusetts

Board Members Present Stanley Walczyk, R.Ph.; Karen Ryle, R.Ph., M.S.; James T. DeVita, R.Ph.(11:00 am arrival); Sophia Pasedis, R.Ph., Pharm.D; Donald A M.P.H.; George Cayer, R.Ph.; Joanne Trifone, R.Ph.; Kathy Fabiszewski, Ph.D, N.P.

Board Members Absent Michael Tocco, R.Ph., M.Ed.; Steven Budish

Staff Present James D. Coffey, R.Ph., Director; Associate Director; Susan Manning, Board Counsel; Leo McKenna, R.Ph., Pharm.D., Quality Assurance (QA) Coordinator; Cheryl Lathum R.Ph., Pharm.D., Investigator; James Emery, Pharmacy Technician, Investigator; Investigator

1. 8:30 a.m. CALL TO ORDER
President Stanley B. Walczyk, R.Ph.
2. 8:35 a.m. REVIEW/ADOPTION OF BOARD MINUTES
Meeting Dates
December 14, 2010
January 11, 2011
February 8, 2011
March 8, 2011
April 12, 2011

Motion Walczyk/Cayer to approve minutes.
Approved

- 3: 8:40 a.m. APPLICATIONS and Other Notices
Dir. Coffey

Change of Manager

Athol Family Pharmacy, 321 Main Street, Athol (DS3480)
Center Drug Store of Wilbraham, 459 Main Street, Wilbraham (DS14966)
CVS 818, 76 North Pleasant Street, Amherst (DS1403)
CVS 1875, 414 Union Street, Ashland (DS3348)
CVS 1002, 624 Massachusetts Avenue, Cambridge (DS3060)
CVS 1862, 1195 Boylston Street, Chestnut Hill (DS2712)
CVS 1034, 145 Concord Street, Framingham (DS1681)
CVS 1873, 435 West Central Street, Franklin (DS2880)
CVS 929, 272 East Central Street, Franklin (DS2946)
CVS 2071, 400 Beech Street, Holyoke (DS3589)
CVS 2070, 467 Centre Street, Jamaica Plain (DS2711)
CVS 01253, Mashpee Circle, Mashpee (DS1961)
CVS 492, 2100 Acushnet Avenue, New Bedford (DS24056)
CVS 447, 366 King Street, Northampton (DS3251)

CVS 281, 80 Market Street, Rockland (DS2727)
CVS 979, 423 West Broadway, South Boston (DS2133)
CVS 665, 415 Main Street, Woburn (DS1198)
CVS 117, 1921-1943 Centre Street, West Roxbury (DS3207)
CVS 155, 539 Main Street, Winchester (DS2471)
Geiger Gibson Community Health Cntr, 250 Mount Vernon Street, Boston (DS89760)
Greater Lawrence Family Health Center, 700 Essex Street, Lawrence (DS89675)
Neponset Health Center Pharmacy, 398 Neponset Avenue, Dorchester (DS89736)
Outer Cape Health Services, 2700 State Highway, Wellfleet (DS89766)
Stop & Shop Pharmacy 415, 683 Belmont Street, Brockton (D2523)
Walgreens 2933, 841 Boylston Street, Boston (DS2253)
Walgreens 11688, 1195 Granby Road, Chicopee (DS3598)
Walgreens 3469, 369 Plymouth Avenue, Fall River (DS2593)
Walgreens 2738, 571 John Fitch Highway, Fitchburg (DS2095)
Walgreens 2861, 653 Worcester Road, Framingham (DS2232)
Walgreens 4967, 1588 Northampton Street, Holyoke (DS2918)
Walgreens 10375, 2968 Acushnet Avenue, New Bedford (DS3527)
Walgreens 3021, 1737 Acushnet Avenue, New Bedford (DS2343)
Walgreens 3736, 501 Sumner Avenue, Springfield (DS2653)
Walgreens 10401, 220 Grafton Street, Worcester (DS3553)
Walgreens 10319, 472 Lincoln Street, Worcester (DS3517)
Wal-Mart Pharmacy 10 1918, 250 Hartford Avenue, Bellingham (DS2754)
Wal-Mart Pharmacy 10 2118, 301 Massachusetts Avenue, Lunenburg (DS2750)
Wal-Mart Pharmacy 10 2139, 780 Lynnway, Lynn (DS2752)
Wal-Mart Pharmacy 10 2903, 66 Parkhurst Road, Chelmsford (DS2966)

Relocation - Community Pharmacy

Central Pharmacy Boston, Inc., 1349-1351 Commonwealth Avenue, Allston FROM
1304 Commonwealth Avenue, Allston (DS89654)

Renovation Expansion

Cardinal Health 414, 27 Sixth Road, Woburn (NU11/WD447)
CVS 0130, 23-25 Massachusetts Avenue, Arlington (DS1534)
CVS 0717, 36 White Street, Cambridge (DS24854)
CVS 0929, 272 East Central Street, Franklin (DS2946)
CVS 2098, 341 Main Street, Gardner (DS2768)
CVS 1015, 420 Beale Street, Quincy (DS1534)
CVS 0735, 976 Route 28, South Yarmouth (DS2841)
Rite-Aid 10161, 530 Somerville Avenue, Somerville (DS3144)

Transfer of Ownership - Community Pharmacy

Neighborhood Diabetes, Inc., 15 Commonwealth Avenue, Woburn (DS3525)

Closing

CVS 2448, 191 May Street, Worcester (DS3225). All prescription records, controlled substances to be transferred CVS 657 (DS89715) 400 Park Avenue, Worcester.

Motion Cayer/Walczyk to approve applications.

Recused Trifone for all Walgreens. Absent: DeVita and Tocco.

Approved

4. 8:45 a.m. UPDATES

Dir. James D. Coffey

5. 8:55 a.m. REPORT OF OFFICE OF INVESTIGATIONS

File Review - Samuel J. Penta, R.Ph., Supervising Investigator; James C. Emery, Investigator; Cheryl Latham, Pharm.D., R.Ph., Investigator; William E. Frisch, Jr., R.Ph., Investigator; Leo A. McKenna, Pharm.D., R.Ph., QA Coordinator

1	PHA-2011-0148 Roberta J. O'Leary PH15447	Motion Cayer/Ryle to Dismiss with Advisory Letter with 2 Continuing Education Credits (CEs) in Medication Error Prevention Approved
2	PHA-2011-0169 Sharon L. Johnston PT4200	Motion Pasedis/Trifone to issue a Temporary Order of Summary Suspension if Voluntary Surrender is not received Approved
3	PHA-2010-0180 CVS 1871 DS3286	Motion Trifone/Walczyk to Dismiss due to Lack of Evidence Approved
4	PHA-2011-0044 CVS 993 DS1755	Motion Walczyk/Ryle to Dismiss with Advisory Letter Approved
	PHA-2011-0109 Saadia O. Ahmed PH26237	Motion Cayer/Walczyk to Dismiss with Advisory Letter with 2 CE's in Medication Error Prevention Approved
	PHA-2011-0108 Kelly Y. Brochu PT371	Motion Cayer/Walczyk to Dismiss with Advisory Letter with 2 CE's in Medication Error Prevention Approved
5	PHA-2011-0045 CVS 1853 DS3160	Motion Ryle/Trifone to Dismiss with Advisory letter with submission of corrective action plan, medication error report to ISMP, current Manager of Record to provide retraining for technicians regarding prescription fulfillment when utilizing multiple manufacturers stock bottles, RTS stock bottles and the importance of verifying NDC codes and scanning all bottles utilized to fill the prescription and completion of a CQI training session. Opposed: Pasedis Approved
	PHA-2011-0107 Alyssa Y. Hsu PH23855	
6	PHA-2011-0188 CVS 363 DS1889	Motion Walczyk/Ryle to Dismiss due to Lack of Evidence Approved
7	SA-INV-1936	Motion Tifone/Cayer to Dismiss based

	CVS 1095 DS2787	upon lack of sufficient information to support a violation of Board regulations. Approved
8	PHA-2011-0030 CVS 736 DS1039 PHA-2011-0068 Hardik J. Shah PH233025 PHA-2011-0061 Alicia M. Annunciata PT9994	Motion Cayer/Ryle to Dismiss with Advisory Letter with submission of corrective action plan, medication error report to ISMP Approved Motion Cayer/Ryle to Dismiss with Advisory letter and 2 CEs in pediatric dosing Approved Motion Cayer/Ryle to Dismiss with Advisory letter and 2 CEs in pediatric dosing Approved
9	SA-INV-1582 CVS 114 DS2821	Tabled
10	PHA-2011-0142 Colin Winston Gillis PI156136	Motion Trifone/Cayer to accept Voluntary Surrender Recused Ryle (not present for discussion or vote) Approved

11:00 a.m. DeVita arrives at meeting. Not present for discussion of any above listed CVS matters.

6. 11:00 a.m. REPORT OF OFFICE OF GENERAL COUNSEL - Susan Manning, Board Counsel
CLOSED SESSION – Review/discussion of Complaints and other Legal Matters
[MGL c. 112, s. 65C; MGL c. 30A, ss. 11A1/2 and 18]

Board Counsel reviewed State Ethics Commission Disposition Agreement (6/7/11) and provided brief overview of Open Meeting Law [M.G.L. c. 30A, §§ 18-25] requirements.

Steven A. Shraiar (PH14861/revoked 2/9/10) Docket Nos. PH-07-023, PHA-2010-0009 and other docket nos. (prior dates) and Margolis Pharmacy – Docket Nos. DS-07-063 and PHA 2010 0010

Board reviewed inquiries (emails dated July 2011) regarding eligibility for licensure as a pharmacy technician. Board had previously advised (February 2011) that no conditions identified by Board pursuant to which the Board would favorably consider an application for pharmacist licensure in the future. Board to advise that same application review standard is applicable review of pharmacy technician application.

11:10 a.m. **Motion** Ryle/Cayer to enter Closed Session **Approved**

11:40 a.m. **Motion** Cayer/Ryle to end Closed Session **Approved**

7. 11:40 a.m. INVESTIGATIVE CONFERENCE

Rite Aid Pharmacy #10215, 51 Tremont Street, Taunton (DS2574) Docket No. PHA-2011-0021

Present: **Donald M. Goulart**, R.Ph. (PH22792), **Nefris O. Lopez**, Pharmacy Technician (PT13797) and **David Bettencourt**, Pharmacy District Manager

Complaint alleges that on or about December 17, 2010, Rite Aid Pharmacy #10215 failed to provide the proper directions for use regarding a prescription for Zantac 15mg/ml liquid.

Investigator William E. Frisch, Jr., R.Ph. presented the investigation report. Board members posed questions to Rite Aid pharmacy personnel.

PHA-2011-0021 Rite Aid Pharmacy 10215 DS2574	Motion Pasedis/DeVita to Dismiss with Advisory Letter Approved
PHA-2011-0182 Donald M. Goulart PH22792	Motion Cayer/Devita to open complaint against pharmacist and to Dismiss with Advisory Letter with 2 CEs in preventing medication errors Approved
PHA-2011-0180 Nefris Osiris Lopez PT13797	Motion Cayer/Devita to open complaint against pharmacy technician and to Dismiss with Advisory Letter with 2 CEs in preventing medication errors Approved

8. 12:15 p.m. DISCUSSION
Shared Pharmacy Services

Following review and discussion of proposed draft regulations, Board to review revised preliminary draft per discussion at future meeting.

9. 12:30 p.m. LUNCH

10. 1:30 p.m. INVESTIGATIVE CONFERENCE

Louis & Clark #370, 459 Main Street, Wilbraham (PH14966) Docket No. PHA20110031

John R. Hall, R.Ph. (PH15508) Docket No. PHA20110064

Kari A. Robinson, Pharmacy Technician (PT9627) Docket No. PHA201110

Present: John R. Hall, RPh, Kari A. Robinson, Pharmacy Technician and Richard Hoeckh, Vice President of Pharmacy

Complaint alleges that on or about May 21, 2010, Louis & Clark Pharmacy #370, failed to fill a prescription properly for Oxaprozin 600mg.

Investigator William E. Frisch, Jr., R.Ph. presented the Investigative Report.

PHA-2011-0031 Louis & Clark	Motion Cayer/Ryle to Dismiss with Advisory Letter
---	--

DS14966	Approved
PHA-2011-0064 John R. Hall PH15508	Motion Ryle/Cayer for Consent Agreement for Reprimand regarding medication error and professional conduct Approved
PHA-2011-0066 Kari A. Robinson PT9627	Motion Ryle/Pasedis to Dismiss – No Violation Approved

11. 2:15 p.m. NEW COMMUNITY PHARMACY APPLICATION/Appearance

HRC CORP., INC. DBA PRIME PHARMACY

Proposed: 201 Humboldt Avenue, Dorchester, Massachusetts

Present: Hanna Pham, R.Ph.(PH25660), President and proposed Manager of Record; Carol A. Aboud, R.Ph.(PH26027), Director and Secretary; Roy Youn (PH156988), V. President and Treasurer; and Paul M. Garbarini, R.Ph., Esq.

Motion Ryle/Cayer to approve application pending compliant inspection.
Approved

13. FLEX DISCUSSION

A. NEW BUSINESS

Applications

- (1) **Wendy A. O'Connor** (PH19574/Exp. 12/31/1988) (Walgreens)

Reinstatement inquiry

Motion Pasedis/Cayer to advise required reinstatement conditions

Recused Trifone (not present for discussion or vote)

Approved

- (2) **Alice Tran** – Pharmacy Technician Applicant

Motion DeVita/Trifone to deny application

Motion Approved

Application Denied

- (3) **Derek Mixon** – Pharmacist Applicant

Motion Pasedis/DeVita to approve application pending receipt and review of documentation to be provided regarding application information

Approved

- (4) **Ankita Patel** – Pharmacy Intern Applicant

Motion Pasedis/Cayer to approve application pending receipt and review of documentation to be provided regarding application information

Approved

- (5) **Jaimie Dowjat** – Pharmacist Applicant

Motion Cayer/Pasedis to approve applicant to take licensing exam pending review of documentation to be provided regarding application information

Approved

- (6) **Thomas Stryjewski** – Pharmacist applicant

Motion DeVita/Pasedis to approve application pending receipt and review of documentation to be provided regarding application information

Approved

B. OLD BUSINESS

- (1) Matter of **Todd S. DeGroff, R.Ph. (CT)** Review of correspondence related to Application for Reciprocal Pharmacist Licensure (CVS)

After Board review and discussion with Board Counsel of applicant's letter (undated/received June 30, 2011) stating grounds for hearing request,

Motion Ryle/Cayer to advise applicant no hearing will be provided as applicant did not identify qualifying provide grounds for hearing (did not dispute facts), Board will review an application for licensure filed after Connecticut probationary status is terminated.

Recused DeVita (not present for discussion or vote)

Approved

- (2) **Walgreens** Pilot Project Request – Review and discussion related to 6/7/11 presentation

Following review and discussion of the proposal, Board requested additional information related to outcomes data, service issues and historical information from Nevada where services are currently provided

Recused Trifone (not present for discussion or vote)


14. 3:00 p.m. DISCUSSION

October 20 -22, 2011 NABP/AACP District I & II Annual Meeting to be hosted by Board.

District Meeting planning discussions continued.

16. 3:30 p.m. ADJOURNMENT

Respectfully submitted by:


Margaret Cittadino
Associate Director

Board approved: December 11, 2012